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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,384	12/13/2005	Tomiya Sonoda	M1071.1943	3841
32172	7590	03/20/2008	EXAMINER	
DICKSTEIN SHAPIRO LLP			JONES, STEPHEN E	
1177 AVENUE OF THE AMERICAS (6TH AVENUE)			ART UNIT	PAPER NUMBER
NEW YORK, NY 10036-2714			2817	
MAIL DATE		DELIVERY MODE		
03/20/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/560,384	SONODA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephen E. Jones	2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 January 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) 1,2,6,7,9 and 10 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3-5 and 8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) 1-10 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12/13/05 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 12/13/05.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

Applicant's election without traverse of Species II (Figs 4-7) in the reply filed on 1/22/08 is acknowledged.

Claims 1-2, 6-7, and 9-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/22/08.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen (US 5,914,296) in view of Takahashi et al. (US 5,659,274).

Shen (e.g. Fig. 1a,1b) teaches a TM010 mode resonator including a dielectric (22) and electrodes (21 is circular and 23 is planar) are on opposite sides of the dielectric.

However, Shen is silent as to input/output ports and does not explicitly teach that a plurality of strip electrodes are disposed radially around the circular electrode with a space between the circular electrode and the strip electrodes (Claim 3), or that the strip electrodes are spaced  $\frac{1}{4}$  wavelength apart (Claim 5).

Takahashi teaches a circular resonator and provides the general teaching of rectangular input/output strips (14, 15) (i.e. strip electrodes) being spaced from the resonator and the input/outputs are separated by  $1/4$  wavelength (e.g. see Fig. 1 and Col. 1, lines 55-58).

It would have been considered obvious to one of ordinary skill in the art to have included input/output rectangular strip electrodes spaced apart by  $1/4$  wavelength such as taught by Takahashi in the Shen resonator device, because it would have provided the advantageous benefit of a specific input/output means for passing a selected signal mode/frequency through the resonator and especially since the resonator would not have been useful without input/outputs.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen and Takahashi et al. as applied to claim 3 above, and further in view of De Ronde.

The combination of Shen and Takahashi teaches a resonator as described above, but does not explicitly teach that the input/output electrodes are  $\frac{1}{4}$  wavelength or less (Claim 4).

De Ronde provides the general teaching of an input/output strip (e.g. 40) that is  $\frac{1}{4}$  wavelength (e.g. see Fig. 3, and Col. 4, lines 59-61).

It would have been considered obvious to one of ordinary skill in the art to have modified the Shen/Takahashi device to have the input/outputs be  $\frac{1}{4}$  wavelength such as generally taught by De Ronde, because  $1/4$  wavelength is a well-known/conventional transmission line length for providing the advantageous benefit of passing a selected resonant frequency, thereby suggesting the obviousness of such a modification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen E. Jones whose telephone number is (571)272-1762. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Pascal can be reached on 571-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SEJ

/Stephen E. Jones/  
Primary Examiner, Art Unit 2817